

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

LAURA M. PORTELA,)	
Plaintiff)	
)	
vs.)	
)	Civil Action No. 05-10844-MEL
WAL-MART STORES EAST, LP)	
Defendant)	
)	

**DEFENDANT WAL-MART STORES EAST, LP'S
MOTION TO CONDUCT PHYSICAL EXAMINATION
OF PLAINTIFF LAURA PORTELA**

NOW COMES the Defendant, Wal-Mart Stores East LP ("Wal-Mart"), who moves this Court pursuant to Fed. R. Civ. P. 35 for an order directing that Plaintiff Laura Portela ("Plaintiff") submit to a physical examination before James A. D. Otis, M.D. at his offices, which are located at the Boston Medical Center, 720 Harrison Avenue, Boston, MA 02118 within the next 4-6 weeks. Dr. Otis, who has performed a preliminary review of Plaintiff's medical records, would conduct an independent medical examination (IME) of the Plaintiff including a physical examination of the Plaintiff and conduct tests including an EMG, quantitative sensory testing (QST) and a possible skin biopsy/skin punch the following day. An IME and tests of this nature will help Dr. Otis understand and determine the Plaintiff's alleged injuries, particularly with reference to her allegation that she suffers from Chronic Regional Pain Syndrome (CRPS) and Reflex Sympathetic Dystrophy (RSD).

In support of its motion, Wal-Mart respectfully refers this Court to Wal-Mart's Memorandum In Support Of Motion to Conduct

Physical Examination of Plaintiff Laura Portela, Affidavit of Anna L. Johnson and the Exhibits attached thereto, which are filed herewith.

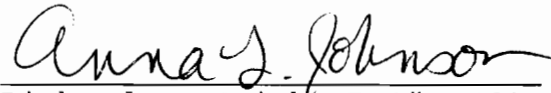
Dated: June 25, 2007

Respectfully submitted,

WAL-MART STORES EAST, LP

By its attorneys,

CRAIG AND MACAULEY
PROFESSIONAL CORPORATION



Richard E. Quinby BBO#545641

Anna L. Johnson BBO#657123

Craig and Macauley

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RULE 7.1(A)(2) CERTIFICATION

I hereby certify that I conferred with Plaintiff's counsel, Charlotte Glinka on June 5, 2007 and June 25, 2007 and attempted in good faith to resolve this issue.


Anna L. Johnson

REQUEST FOR ORAL ARGUMENT

I hereby request a hearing on this Motion.


Anna L. Johnson

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party by mail on June 25, 2007.


Anna L. Johnson